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**ON PETITION**

In re Application of  
Bin Zhao ET AL.  
Application No. 09/665,422  
Filed: September 20, 2000  
Attorney Docket No. (NONE CITED)

This is a decision on the petition under 37 CFR 1.137(b), filed September 25, 2002, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to respond in an appropriate and timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed November 14, 2000, which set forth a two (2) month shortened period for reply. No extensions of time under 37 CFR 1.136(a) or reply were obtained during the allowable period. Accordingly, this application became abandoned on January 15, 2001. A Notice of Abandonment was mailed August 20, 2002.

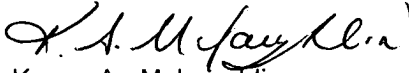
37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

Petitioner filed an application with the basic filing fee and an assignment recordation. The check submitted to pay the fees was returned and a Notice of Missing Parts was issued indicating that a basic filing fee (at that time \$690.00), a late filing fee (\$130.00) and a returned check fee (\$50.00) must be submitted. According to the evidence provided by Petitioner a check was submitted to the Office on April 24, 2000 in the amount of \$780.00 in order to address the fee required. That submission did not meet the requirement set forth in the Notice of Missing Parts in that 1) the check was \$90.00 less than the amount due, and 2) the submission of the check was outside the allowable period of response. However the fees for the assignment recordation (\$40.00) and the returned check (\$50.00) were charged, leaving \$690.00 in suspense. A Notice of Abandonment was mailed on August 20, 2002. In response to the Notice of Abandonment Petitioner submitted the instant petition with checks in the amounts of \$1530.00 and \$1280.00. The payment of \$1280.00 was accepted as payment for the petition fee. Fifty dollars (\$50.00) of the \$1530.00 payment was added to the \$690.00 held in suspension in order to accept a payment of the basic filing fee, which had increased to \$740.00 at the time of its proper filing with the instant petition. The basic filing fee was due by midnight, January 14, 2001 and could have been extended to June 14, 2001. Because an extension of time of the period set by the Notice of Missing Part cannot be accepted after the extendable period passed, and the applicant submitted the extension of time with the instant petition,

the payment of \$1440.00 has been credited to Deposit Account 50-0731 as authorized. The overpayment of \$40.00 has also been credited to Deposit Account 05-0731. The aforementioned Deposit Account has also been charged \$130.00 for the requisite late filing fee mentioned in the Notice of Missing Parts and as authorized by the instant petition.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to Gregory J. Toatley, Jr. at (703) 305-4066 or to the undersigned at (703) 305-0010.



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for Patent Examination Policy